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EXAMINER

SHRADER, LAWRENCE J

ART UNIT PAPER NUMBER

2193

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/722,576

Applicant(s)

HERNANDEZ, GASPER

Examiner

Lawrence Shrader

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in response to the Applicant's amendment filed on April 25, 2005.
2. The Applicants arguments have been fully considered, but are not persuasive. Therefore, claims 1 – 33 remain pending and remain rejected.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 24 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Edlund et al., U.S. Patent 6,085,227 (hereinafter referred to as Edlund).

In regard to claim 24:

"The server receiving a request from said web browser...to execute said executable file on said server;"

"The server executing said executable file thereby causing separate system to be tested or manipulated to change the operation thereof;"

"The server providing at least a first version of a web page...that includes results..."

Edlund discloses a server receiving a request from a web browser to execute a file (column 1, line 39 – 66; e.g., Figure 1), the server causes other systems (i.e., the remote device at ref. no. 106 in Figure 1) to be manipulated, and returns the results to the browser (column 3, lines 36 – 52).

In regard to claim 26:

"The web browser making a request...to cause said separate system to be tested or manipulated to change the operation thereof;"

"The web browser receiving at least a first version...that includes results..."

Edlund discloses a server receiving a request from a web browser to execute a file (column 1, line 39 – 66; e.g., Figure 1), the server causes other systems to be manipulated (the remote device of Figure 1), and returns the results to the browser (column 3, lines 36 – 52).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, 3, 7, 10; 13 – 15, 17; 20 – 23; and 30 – 33 are rejected under 35

U.S.C. 103(a) as being unpatentable over Drummond et al., U.S. Patent 6,598,023 (hereinafter

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referred to as Drummond) in view of Takayama et al., U.S. Patent 6,336,072 (hereinafter referred to as Takayama).

In regard to claim 1:

Drummond discloses a network environment having a server and a terminal with a web browser:

"The server providing a first web page...configured to accommodate a set of commands that are to be contained in a script or program;"

A server provides a web page to a browser, which receives a set of commands, but the commands are not explicitly contained in a script or a program, although running the JAVA script may be interpreted as accommodating a script (column 14, lines 11 – 38, column 5, lines 28 – 36; column 6, lines 33 – 58; e.g., Figures 1 and 2). However, Takayama explicitly discloses a script input by a user (column 17, lines 29 – 31; e.g., Figure 5) to an inputting unit being a web browser (column 22, lines 61 – 63; e.g., Figure 15). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the web browser as taught by Drummond with the web browser capable of accommodating a script input as taught by Takayama because the combination allows the user to input a predetermined specification as taught by Takayama at column 2, lines 7 – 9.

"The server receiving a request, including said set, from said web browser at the remote terminal;"

See (column 14, lines 11 – 38; e.g., Figures 1 and 2), but the commands are not explicitly contained in a script or a program, although running the JAVA script may be interpreted as accommodating a script (column 14, lines 11 – 38, column 5, lines 28 – 36; column 6, lines 33 – 58; e.g., Figures 1 and 2). However, Takayama explicitly discloses a script input by a user (column 17, lines 29 – 31; e.g., Figure 5) to an inputting unit being a web browser

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(column 22, lines 61 – 63; e.g., Figure 15). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the web browser as taught by Drummond with the web browser capable of accommodating a script input as taught by Takayama because the combination allows the user to input a predetermined specification as taught by Takayama at column 2, lines 7 – 9.

"The server doing at least one of checking the syntax of said set and executing said text..."

Syntax is inherently checked when an HTTP document is processed.

"The server providing at least a first version of a second web page...includes results generated by the check for syntax or execution of said set."

See column 14, lines 39 – 64 and Figure 8.

In regard to claim 2, incorporating the rejection of claim 1:

"Said server executes said text by compiling and running or interpreting said text."

The HTML script is interpreted ext file is interpreted (column 5, lines 1 – 6; column 6, lines 33 – 38) but the commands are not explicitly contained in a script or a program, although running the JAVA script may be interpreted as accommodating a script (column 14, lines 11 – 38, column 5, lines 28 – 36; column 6, lines 33 – 58; e.g., Figures 1 and 2). However, Takayama explicitly discloses a script input by a user (column 17, lines 29 – 31; e.g., Figure 5) to an inputting unit being a web browser (column 22, lines 61 – 63; e.g., Figure 15). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the web browser as taught by Drummond with the web browser capable of accommodating a script input as taught by Takayama because the combination allows the user to input a predetermined specification as taught by Takayama at column 2, lines 7 – 9.

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In regard to claim 3, incorporating the rejection of claim 1:

"Said network is the Internet;"

Drummond discloses that the network may be the Internet (column 2, lines 33 – 62).

"Said first web page includes at least one fill-out form;"

Drummond teaches the use of web browser for a user to enter information (e.g., Figure 2; column 8, lines 25 – 35).

"Said server receives said set in the format of at least one common gateway interface (CGI) variable."

Drummond teaches the use of CGI to receive the HTML document (column 17, lines 21 – 31).

In regard to claim 7, incorporating the rejection of claim 2:

"...said commands in said are commands..."

Drummond teaches execution of scripting files (column 6, lines 33 – 58). The claims offer no reason for the particular use of, of unique function of a WAMIL scripting language.

In regard to claim 10, incorporating the rejection of claim 1:

"...save said set in memory."

Figure 2 of Drummond teaches a browser environment in which the commands are saved in memory and executed.

In regard to claim 30, incorporating the rejection of claim 1:

"...wherein:

the set accommodated by the first web page is input thereto via manipulation of the web browser by a user thereof."

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See (column 14, lines 11 – 38; e.g., Figures 1 and 2), but the commands are not explicitly contained in a script or a program, although running the JAVA script may be interpreted as accommodating a script (column 14, lines 11 – 38, column 5, lines 28 – 36; column 6, lines 33 – 58; e.g., Figures 1 and 2). However, Takayama explicitly discloses a script input by a user (column 17, lines 29 – 31; e.g., Figure 5) to an inputting unit being a web browser (column 22, lines 61 – 63; e.g., Figure 15). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the web browser as taught by Drummond with the web browser capable of accommodating a script input as taught by Takayama because the combination allows the user to input a predetermined specification as taught by Takayama at column 2, lines 7 – 9.

In regard to claim 31, incorporating the rejection of claim 1:

"...wherein:

the set accommodated by the first web page is input thereto via the server for editing by a user of the web browser; and

the request received by the server includes an edited version of the set.

See (column 14, lines 11 – 38; e.g., Figures 1 and 2), but the commands are not explicitly contained in a script or a program that is edited, although running the JAVA script may be interpreted as accommodating a script (column 14, lines 11 – 38, column 5, lines 28 – 36; column 6, lines 33 – 58; e.g., Figures 1 and 2). However, Takayama explicitly discloses a script input by a user (column 17, lines 29 – 31; e.g., Figure 5) to an inputting unit being a web browser (column 22, lines 61 – 63; e.g., Figure 15) and capable of being edited (e.g., Figure 1).

Therefore, it would have been obvious to one skilled in the art at the time the invention was

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made to combine the web browser as taught by Drummond with the web browser capable of accommodating a script input as taught by Takayama because the combination allows the user to input a predetermined specification as taught by Takayama at column 2, lines 7 – 9.

In regard to claim 13:

"The web browser...receiving a first web page from said server...;"

"The web browser receiving said set or a version thereof from a user;"

"The web browser making a request to said server that includes said set;"

"The web browser receiving at least a first version of a second web page from said server that includes results..."

Claim 13 is rejected for the same reasons as claim 1 being the complementary functions of the server actions in claim 1.

In regard to claim 14, incorporating the rejection of claim 13:

"Said set is compiled and run or interpreted by said server."

Claim 14 rejected for the same reasons as claim 2 being the complementary functions of the server actions in claim 2.

In regard to claim 15, incorporating the rejection of claim 13:

"Said network is the Internet;"

"Said first web page includes at least one fill-out form for receiving said set;"

"Said browser sends set to said server in the format of at least one common gateway interface (CGI) variable."

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Claim 15 is rejected for the same reasons put forth in the rejection of claim 3 complementing the server perspective in claim 3.

In regard to claim 17, incorporating the rejection of claim 13:

"...wherein said commands in said set are commands in the Wireless Automation Manager Interface Language (WAMIL) scripting language."

Drummond teaches execution of scripting files (column 6, lines 33 – 58). The claims offer no reason for the particular use of, of unique function of a WAMIL scripting language.

In regard to claim 32, incorporating the rejection of claim 13:

"...wherein:

the set accommodated by the first web page is input thereto via manipulation of the web browser by a user thereof."

See (column 14, lines 11 – 38; e.g., Figures 1 and 2), but the commands are not explicitly contained in a script or a program, although running the JAVA script may be interpreted as accommodating a script (column 14, lines 11 – 38, column 5, lines 28 – 36; column 6, lines 33 – 58; e.g., Figures 1 and 2). However, Takayama explicitly discloses a script input by a user (column 17, lines 29 – 31; e.g., Figure 5) to an inputting unit being a web browser (column 22, lines 61 – 63; e.g., Figure 15). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the web browser as taught by Drummond with the web browser capable of accommodating a script input as taught by Takayama because the combination allows the user to input a predetermined specification as taught by Takayama at column 2, lines 7 – 9.

In regard to claim 33, incorporating the rejection of claim 13:

"...wherein:

the set accommodated by the first web page is input thereto via the server for editing by a user of the web browser; and

the request received by the server includes an edited version of the set."

See (column 14, lines 11 – 38; e.g., Figures 1 and 2), but the commands are not explicitly contained in a script or a program that is edited, although running the JAVA script may be interpreted as accommodating a script (column 14, lines 11 – 38, column 5, lines 28 – 36; column 6, lines 33 – 58; e.g., Figures 1 and 2). However, Takayama explicitly discloses a script input by a user (column 17, lines 29 – 31; e.g., Figure 5) to an inputting unit being a web browser (column 22, lines 61 – 63; e.g., Figure 15) and capable of being edited (e.g., Figure 1).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the web browser as taught by Drummond with the web browser capable of accommodating a script input as taught by Takayama because the combination allows the user to input a predetermined specification as taught by Takayama at column 2, lines 7 – 9.

In regard to claim 20:

"A server that implements the method of claim 1."

Claim 20 (a server) is rejected for the same reasons put forth in the rejection of claim 1 (the corresponding method).

In regard to claim 21:

"A terminal on a network...running a browser that implements the method of claim 13."

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Claim 21 (a terminal) is rejected for the same reasons put forth in the rejection of claim 13 (the corresponding method).

In regard to claim 22:

"A computer-readable medium having embodied thereon a program to be processed by a server...to implement the method of claim 1."

Claim 22 (a medium) is rejected for the same reasons put forth in the rejection of claim 1 (the corresponding method).

In regard to claim 23:

"A computer-readable medium having embodied thereon a program to be processed by a terminal on a network...that causes said terminal to implement the method of claim 13."

Claim 23 (a medium) is rejected for the same reasons put forth in the rejection of claim 13 (the corresponding method).

7. Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edlund et al., U.S. Patent 6,085,227 in view of Takayama et al., U.S. Patent 6,336,072.

In regard to claims 28 and 29, incorporating the rejection of claim 24 and 26 respectively:

"said executable file was brought into existence on said server based upon a set of commands contained in a script or program corresponding to said executable file, that was received by said server from one of said web browser or another web browser."

"said executable file was brought into existence on said server based upon a set of commands contained in a script or program corresponding to said executable file, that was provided by one of said web browser or another web browser."

Edlund discloses execution of a set of commands from the user (column 4, lines 24 – 48), does not explicitly disclose that the commands are contained in a script or program that was received from a browser. However, Takayama explicitly discloses a script input by a user (column 17, lines 29 – 31; e.g., Figure 5) to an inputting unit being a web browser (column 22, lines 61 – 63; e.g., Figure 15). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the web browser as taught by Edlund with the web browser capable of accommodating a script input as taught by Takayama because the combination allows the user to input a predetermined specification as taught by Takayama at column 2, lines 7 – 9, which would be useful in determining specific control of the remote device as disclosed in Edlund.

8. Claims 4 – 6; and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drummond et al., U.S. Patent 6,598,023 in view of Takayama et al., U.S. Patent 6,336,072 as applied to claim 3 above, and further in view of Smith, U.S. Patent 5,963,952.

In regard to claim 4, incorporating the rejection of claim 3:

"...CGI variable corresponding to at least one of the method GET and the method POST."

Neither Drummond nor Takayama explicitly discloses a CGI variable corresponding to a GET or a POST. However, Smith discloses methods of forwarding information to a CGI as a GET and a POST (column 1, lines 45 – 57). Therefore, it would have been obvious to one

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skilled in the art at the time the invention was made to combine the client/server network environment of Drummond having a CGI server connection, with the common gateway interface of Smith to provide a well known information the well known feature of the CGI interface having methods of GET and POST to forward information to the CGI because these features allow the flexibility of transferring the information via the input file (POST) or the URL (GET).

In regard to claim 5, incorporating the rejection of claim 4:

"Said CGI script calls a compiler or interpreter on said server and passes said set to said compiler or interpreter;"

Drummond teaches a CGI implementation that processes an HTML document. However, Smith teaches that a CGI script, receiving information from the web browser, and executes a non-HTML task (column 1, lines 35 – 41). A compiler or an interpreter is a non-HTML task. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to execute a compiler or an interpreter via the CGI to process the file of Drummond because it is well known that the function of a CGI is to communicate information between the web client and resources (databases and other programs) on the server.

"Said compiler or interpreter compiles and runs or interprets said set respectively;"

Official notice is taken that it is well known by one skilled in the art that a line of a script file is inherently run as it is interpreted. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to implement an interpreter to process a script.

"Said compiler or interpreter returns first output data of said set to said CGI script;"

It is well known in the art that the purpose of a CGI is to receive form information from a client, process the request via another application (database or program), and return the result

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to the client after obtaining it from the application. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to implement the well-known art to return output data to the CGI script in order to eventually display the results on the browser.

"Said CGI script builds said second web page so as to include said first output data."

It is well known in the art that the purpose of a CGI is to receive form information from a client, process the request, and return the result to the client in a format compatible with the requesting browser in a web page. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to implement the well-known art to return output data to the CGI script in order to eventually display the results on the browser in a web page.

In regard to claim 6, incorporating the rejection of claim 5:

"Said commands in said set are commands in the Wireless Automation Manager Interface Language..."

Drummond teaches execution of scripting files (column 4, line 61 to column 5, line 8) and Smith teaches a browser using scripting files (column 1, lines 25 – 33).

"Said CGI script calls the Wireless Automation Management Interpreter..."

Drummond teaches execution of scripting files (column 6, lines 33 – 58). The claims offer no reason for the particular use of, or unique function of a WAMIL scripting language.

In regard to claim 16, incorporating the rejection of claim 15:

"...said browser embeds said set...according to at least one of hypertext transfer protocol (HTTP) method GET and the method POST."

Claim 16 is rejected for the same reasons put forth in the rejection of claim 4 complementing the server perspective in claim 4.

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9. Claims 8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drummond et al., U.S. Patent 6,598,023 in view of Takayama et al., U.S. Patent 6,336,072 as applied to claims 1 and 13 above, and further in view of Boys, U.S. Patent 6,516,340.

In regard to claim 8, incorporating the rejection of claim 1:

"...provide additional versions of said second web page to said remote terminal so as to provide real time, dynamic results to said user."

Neither Drummond nor Takayama teaches providing additional versions of the second web page with updated results. However, Boys does teach providing versions of web pages to the remote terminal with the ability to update the information (column 5, lines 18 – 25; column 6, lines 44 – 54). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the client/server network environment of Drummond modified with the ability to provide additional versions of the second web age as taught by Boys because this allows the user to receive updated information back from the server as needed.

In regard to claim 18, incorporating the rejection of claim 13:

"...said browser is operable to receive additional versions of said second web page..."

Claim 18 is rejected for the same reasons put forth in the rejection of claim 8 complementing the server perspective in claim 8.

10. Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drummond et al., U.S. Patent 6,598,023 in view of Takayama et al., U.S. Patent 6,336,072 as applied to claims 1 and 13 above, in view of Mathis, U.S. Patent 6,269,254.

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In regard to claim 9, incorporating the rejection of claim 1:

"...executable file operates upon parameters of a wireless communication network."

Neither Drummond nor Takayama teaches that an executable file operates upon parameters from a wireless network. However, Mathis teaches that an executable file operates upon parameters of a wireless network (column 10, lines 1 – 10). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the client/server network environment of Drummond with Mathis because the system functionality would be enhanced in a wireless communication environment, and such an environment would necessarily pass parameters to the executable file processed by the CGI.

In regard to claim 19, incorporating the rejection of claim 13:

"...said set operates upon parameters of a wireless communication network."

Rejected for the same reasons put forth in the rejection of claim 9.

11. Claim 11 is rejected under 35 U.S.C. 103(a) as being anticipated by Drummond et al., U.S. Patent 6,598,023 in view of Takayama et al., U.S. Patent 6,336,072 as applied to claim 2 above, in view of Fujishima, U.S. Patent 6,449,661.

In regard to claim 11, incorporating the rejection of claim 2:

"Said server is operable to run a CGI script that calls a compiler or an interpreter;"

Neither Drummond nor Takayama teaches a script calling a compiler or an interpreter. However, Fujishima teaches that a script calls a compiler (column 14, lines 55 – 60). A CGI script is another kind of script designed to call non-HTML server applications. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine

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the client/server network environment of Drummond with the capability of the server to call a compiler (or an interpreter) from a script as taught by Fujishima because the script allows the server to independently process information for the web browser of Drummond by running all the necessary routines, including a compiler.

"Said compiler or interpreter extracts data corresponding to at least one of GET method and POST method data from said set;"

Methods GET and POST would have been well known FORM attributes in HTTP and CGI communication at the time the invention was made. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to implement the well-known art of checking the attributes containing a GET method or a POST method in order to obtain the required text information.

"Said compiler or interpreter URL-decodes the extracted data GET method and POST method data;"

Drummond discloses a server that interprets an HTML document containing a URL. Methods GET and POST would have been well known FORM attributes in HTTP and CGI communication at the time the invention was made.

"Said compiler or interpreter compiles...the decoded GET method and POST method data."

Compiling or interpreting is an inherent part of an interpreter or a compiler respectively. Therefore, it would have been obvious to one skilled in the art at the time the invention was made that after decoding the GET or POST method to determine how to receive the subject file, that it would interpreted or compiled.

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12. Claim 12 is rejected under 35 U.S.C. 103(a) as being anticipated by Drummond et al., U.S. Patent 6,598,023 in view of Takayama et al., U.S. Patent 6,336,072 as applied to claim 2 above, in view of Fujishima, U.S. Patent 6,449,661 as applied to claim 11, and further in view of Weiner et al, U.S. Patent 6,041,331 (hereinafter referred to as Weiner).

In regard to claim 12, incorporating the rejection of claim 11:

"Said compiler or interpreter is operable to perform the extraction by:

"treating data from said browser as an alphanumeric string;

Drummond teaches the use of a browser that interprets HTML documents, which would be well known in the art to contain alphanumeric strings, and Fujishima teaches that a script calls a compiler. However, Weiner explicitly teaches a method of treating browser data as an alphanumeric string (column 8, lines 10 – 27). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the client/server network environment of Drummond combined with Fujishima with the capability of the server to call an interpreter, combined with the teaching of Weiner to treat the data as an alphanumeric string because it would allow a simpler implementation using a script to translate the data.

"searching for at least one script-related CGI variable..."

"excerpting a part of said alphanumeric text string...as the value of a predefined variable used by said compiler or interpreter;

Drummond teaches the use of a browser that interprets HTML documents, which would be well known in the art to contain alphanumeric strings, but neither Drummond nor Takayama nor Fujishima teaches searching for a CGI variable, and excerpting the variable. However, Weiner teaches a method of treating browser data as an alphanumeric string (column 8, lines 10

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– 27). The method of finding a CGI variable representing the executable file and excerpting the text is inherent in the Weiner system. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the client/server network environment of Drummond with the capability of the server to call an interpreter from a script as taught by Fujishima, further combined with the teaching of Weiner to treat the data as an alphanumeric string because it would allow a simpler implementation using a script to translate the data.

"URL-decoding said value of said predefined variable."

Drummond discloses a server that interprets an HTML document containing a URL. Methods GET and POST would have been well known FORM attributes in HTTP and CGI communication at the time the invention was made.

13. Claims 25 and 27 are rejected under 35 U.S.C. 103(a) as being anticipated by Edlund et al., U.S. Patent 6,085,227 as applied to claims 24 and 26 respectively above, and further in view of Mathis, U.S. Patent 6,269,254.

In regard to claims 25 and 27, incorporating the rejection of claims 24 and 26 respectively:

"...said separate system is a wireless communication network, and said executable file is a script written in ... (WAMIL) scripting language."

Edlund does not teach a separate wireless network. However, Mathis teaches that an executable file operates upon parameters of a wireless network (column 10, lines 1 – 10). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the client/server network environment of Edlund with the wireless network of Mathis because the system functionality would be enhanced in a wireless communication environment, including mobility and remote communications.

Response to Arguments

14. Applicant's arguments filed on 25 April 2005 have been fully considered but they are not persuasive.

(A) The Applicant has argued:

“In contrast, independent claim 24 recites (in part) at least one of testing and manipulating parameters of a separate system using an executable file resident on a server by the server receiving a request from a web browser to execute the executable file on the server, where execution of the executable file causes the separate system to be tested or manipulated.

Regarding the '227 patent, Applicant is willing to assume for the sake of argument that the overall function of the commands sent by the user via browser 108 corresponds to the function of the executable file resident on the server, as recited in claim 1. But when the user of browser 108 sends the commands via command processor 110, etc., it is as if the user is sending the executable file from browser 108 via command processor 110, etc. That is, the user of browser 108 of the '227 patent does not send a request to execute an executable file on the server, rather the user sends an equivalent of the executable file.”

Examiner's response:

Regarding the sending of a command, the Applicant states: “...it is as if the user is sending the executable file from browser 108 via command processor 110, etc. That is, the user of browser 108 of the '227 patent does not send a request to execute an executable file on the server, rather the user sends an equivalent of the executable file.” In a virtual sense, sending a command over a computer network could be considered in the same way. Firstly, “as if the user is sending...” is not actually sending an executable file, and the browser of the '227 patent sends commands to execute a program on server 104, which in turn causes a separate system to operate (remote device 106 in Figure 1). Whether the command is one byte or multiple bytes, the user is not concerned as long as the execution occurs in the server, which happens in 104 of Figure 1. Therefore, one must concede that the browser of the '227 patent reads on the claim because the

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server in fact receives a request from the browser to execute a file on the server, causing a system to be manipulated (see column 2, lines 1 – 14, and Figure 1), and results are sent back to the browser. Accordingly, claim 26 is covered by the same response since it claims similar features.

(B) The Applicant has argued:

“The Examiner has asserted that the '023 patent teaches a browser which receives a set of commands, though the commands are not explicitly contained in a script or program. Applicant traverses. As discussed above, Applicant acknowledges that the '023 patent teaches a browser 76 that receives a user's URL and transmits that URL ultimately to an HTTP server 90. But it is unreasonable to interpret transmission of a URL as receiving a set of commands.

A distinction of claim 1 over the '023 patent the server providing a web page to the web browser, the first web page being configured to accommodate a set of commands that are to be contained in a script or program. It is to be noted that this is different than if Applicant had recited a set of commands that could be contained in a script or program. Again, the '023 patent merely discloses that browser 76 can receive a URL from card reader 38 identifying where additional information about a user of ATM 12 can be found.”

Examiner's response:

One skilled in the art would know that a command causes an action to be carried out. By definition, a URL specifies a protocol, a sequence of commands, to be used in accessing a resource. Therefore, in a reasonable and broad interpretation, a URL can be properly called a command because it causes an action to be carried out to access the resource.

(C) The Applicant has argued:

Applicant is willing to assume for the sake of argument that the '072 patent discloses a browser that can receive navigation information. The '072 patent refers to such navigation information as a navigation script (or naviscript); see col. 8, lines 14-22. But it would be an overestimation to describe a naviscript as a script of commands. For the reader's convenience, the '07 patent's description of the navigation information (see col. 7, line 66 to col. 8, line 14) is reprinted as follows:

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According to the present invention, an instruction sequence composed of data (such as text data, image data, voice data, etc.) of time, point, and information for guidance, which are stored in various formats, is described in a markup language description format.

An instruction is a unit of a script composed of navigation information including times (such as a departure time, en-route times, an arrival time, a start time, an end time, etc.), and points (such as a departure point, en-route spots, a destination, an intersection, a transfer point, a facility location, etc.), and one shot or a portion of various media data (a map, text, voice, music, an image, a video, etc.). The instruction is, for example, a directive for outputting voice data (aaa.wav) and image data (xxx.jpg), which explain a point A, at the point A on a certain route.

Applicant submits that a naviscript is not a script of commands. Rather, the naviscript is a set of data, e.g., a departure time, en-route times, an arrival time, a start time, an end time, etc., a departure point, en-route spots, a destination, an intersection, a transfer point, a facility location, etc., the name of a audio file, the name of a picture file, etc.

Examiner's response:

The Applicant cites the '072 patent column 7, line 66 to column 8, line 14 to show that the naviscript should not be considered a set of commands. However, the cited passage clearly references an instruction sequence, which in a broad and reasonable interpretation is considered a set of commands, and the passage also references an instruction as a unit of a script containing navigation information. So the instructions, or commands, are apparently part of the script according to the cited passage. Also, the instruction is described as a directive for outputting data.

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Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence Shrader whose telephone number is (703) 305-8046.

The examiner can normally be reached on M-F 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703) 305-9662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Lawrence Shrader
Examiner
Art Unit 2193

20 July 2005


ANIL KHATRI
PRIMARY EXAMINER